

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

EARTH WORK SOLUTIONS,

Respondent.

**Docket No. FMCSA-2010-0120¹
(Western Service Center)**

ORDER TERMINATING PROCEEDING AND CLOSING DOCKET

On February 18, 2010, the Wyoming Division Administrator of the Federal Motor Carrier Safety Administration (FMCSA) issued a Notice of Claim (NOC) against Earth Work Solutions (Respondent) proposing a total civil penalty of \$1,920. The NOC charged Respondent with three violations of 49 CFR 395.8(a), failing to require a driver to make a record of duty status.

On April 26, 2010, the Field Administrator for the FMCSA's Western Service Center (Claimant) served his evidence and a Motion for Final Order. On May 5, 2010, Claimant served a Notice of Payment in Full and Request to Terminate Proceedings and Close Docket. Claimant stated that it received full payment of the \$1,920 penalty proposed in the NOC on April 26, 2010 without written objection, resulting in the NOC becoming the Final Agency Order in this proceeding.

Payment of the civil penalty renders moot the issues in this proceeding. Accordingly, Claimant's request to terminate this proceeding is granted.

¹ The prior case number was WY-2010-0011-US1162.

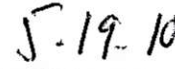
THEREFORE, *It Is Hereby Ordered*, this proceeding is dismissed, and the docket
is closed.



Rose A. McMurray

Assistant Administrator

Federal Motor Carrier Safety Administration



Date

CERTIFICATE OF SERVICE

This is to certify that on this 21 day of May, 2010, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

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